

SENATE RECORD VOTE ANALYSIS

105th Congress
2nd Session

Vote No. 227

July 22, 1998, 11:03 p.m.
Page S-8772 Temp. Record

COMMERCE-JUSTICE-STATE/Cable Rates Study

SUBJECT: Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill for fiscal year 1999 . . . S. 2260. McCain motion to table the Feingold amendment No. 3264.

ACTION: MOTION TO TABLE AGREED TO, 63-36

SYNOPSIS: As reported, S. 2260, the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill for fiscal year 1999, will provide a total of \$33.239 billion in new budget authority, which is \$1.115 billion more than appropriated for fiscal year (FY) 1998 and is \$3.647 billion less than requested. The bill contains large spending increases for various law enforcement activities.

The Feingold amendment would make a number of findings regarding the rapid increase in cable television rates since passage of the Telecommunications Act of 1996, and the increased concentration of cable television systems at the national level since that time. It would then require the Federal Communications Commission (FCC), in light of those findings, to report to Congress on whether it was meeting its responsibilities to promote competition in the cable television industry and to ensure reasonable rates for cable television services, as those responsibilities are set forth in the Cable Television Consumer Protection and Competition Act of 1992 and the Telecommunications Act of 1996. If the FCC determined that it was meeting its responsibilities, it would have to give a detailed justification for that determination. If it determined that it was failing to meet its responsibilities, it would have to report on the actions that it would take to correct that failure. The FCC would report to Congress no later than 30 days after enactment of this Act.

Debate was limited by unanimous consent. After debate, Senator McCain moved to table the amendment. Generally, those favoring the motion to table opposed the amendment; those opposing the motion to table favored the amendment.

Those favoring the motion to table contended:

Our colleagues are right to be concerned about rising cable television rates, but their amendment is ill-considered. There are

(See other side)

YEAS (63)			NAYS (36)			NOT VOTING (0)	
Republicans (49 or 91%)		Democrats (14 or 31%)	Republicans (5 or 9%)		Democrats (31 or 69%)	Republicans (0)	Democrats (0)
Abraham	Hutchinson	Bingaman	Coverdell	Akaka	Johnson		
Allard	Hutchison	Breaux	D'Amato	Baucus	Kennedy		
Ashcroft	Inhofe	Bryan	Gorton	Biden	Kohl		
Bennett	Kempthorne	Daschle	Jeffords	Boxer	Lautenberg		
Bond	Kyl	Ford	Specter	Bumpers	Leahy		
Brownback	Lott	Hollings		Byrd	Levin		
Burns	Lugar	Inouye		Cleland	Lieberman		
Campbell	McCain	Kerrey		Conrad	Mikulski		
Chafee	McConnell	Kerry		Dodd	Moseley-Braun		
Coats	Murkowski	Landrieu		Dorgan	Murray		
Cochran	Nickles	Moynihan		Durbin	Robb		
Collins	Roberts	Reed		Feingold	Rockefeller		
Craig	Roth	Reid		Feinstein	Sarbanes		
DeWine	Santorum	Torricelli		Glenn	Wellstone		
Domenici	Sessions			Graham	Wyden		
Enzi	Shelby			Harkin			
Faircloth	Smith, Bob						
Frist	Smith, Gordon						
Gramm	Snowe						
Grams	Stevens						
Grassley	Thomas						
Gregg	Thompson						
Hagel	Thurmond						
Hatch	Warner						
Helms							

VOTING PRESENT (1)

Mack

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

several reasons why we should not demand a 30-day study of this issue. First, the time-frame is too short. Few issues are more complex than communications law. Any 30-day study would be deficient. Second, the amendment ignores that the FCC is already working on an annual study that it is required to prepare on cable rates. Third, we note that if our colleagues find the FCC's annual study to be insufficient, we do not know why they expect they will get a more revealing study if they demand that it be completed in 30 days. Fourth, the FCC does closely monitor cable rates, contrary to the apparent understanding of many of our colleagues. We know that the FCC is concerned about the rise in rates, but it notes that the increases have been higher than inflation because they have not been based on inflation, but on changes in such areas as the services provided and the increased costs in programming. The FCC has suggested means that Congress might consider to control cost increases, such as limiting cable companies' ability to pass on increased programming costs to consumers. To imply that the FCC is not working on the issue is simply false. Fifth, pushing through this amendment would preempt the work of the Commerce Committee, which is holding hearings on the subject. We have committees in Congress as a means of examining issues thoroughly before we act upon them. We do not think it is wise to bypass the Commerce Committee in this manner. Sixth, and finally, for those Senators who would like an independent analysis of this issue, we inform them that the General Accounting Office is currently working on a study of cable rates. The Feingold amendment would not serve any useful purpose. We therefore urge our colleagues to table it.

Those opposing the motion to table contended:

The Telecommunications Act was enacted in early 1996. One of the effects that Act was supposed to have was to lower cable television rates by increasing competition. However, for the past 2 years, the American people have watched with alarm as competition has decreased and cable rates have gone in exactly the wrong direction. The top two cable companies now control more than 50 percent of the cable television market, and the top four companies control more than 60 percent. At the same time as the industry has been consolidating prices have been going through the roof. Rates have been going up at more than three times the rate of inflation. Companies are getting away with high rates because in almost every place that cable exists (which is most of America now; more than two-thirds of homes have cable service), it exists as a monopoly service. Only 5 percent of the 94 million cable customers in the United States have a choice of more than 1 provider. Not surprisingly, in those few areas that have competition, prices are lower. We conclude from these facts that the FCC is not doing its job in promoting competition in the cable industry and in ensuring that rates are reasonable. Therefore, we have offered the Feingold amendment to make the FCC report to Congress on whether it agrees, and if so, what it intends to do to correct matters, and if not, why it does not. Our hope is that this amendment will lead to strong efforts to hold down rising cable rates and to promote competition in the industry. This amendment should not be tabled.